

REMARKS

Claims 1, 3-22 and 24-35 are pending in the application, with claims 1, 24 and 32 being the independent claims. In summary of the outstanding Office Action, claims 1, 3-22 and 24-35 are rejected.

As an initial matter, Applicants respectfully point out that an advisory action was issued in this case in response to Applicants' previous response. In that action, the examiner indicated that the previous amendments raised new issues that required further search and consideration. Nonetheless, the examiner relies on essentially the same arguments as in the previous responses. With respect to independent claim 32, the examiner did not even respond to the Applicants arguments or request for clarification.

Claim 3 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner states:

Claim 3 recites the limitations "the sequence number," "the events," "the at least two event messages". There is insufficient antecedent basis for *this* limitation in the claim.

Applicants submit that the rejection is not clear because the examiner cites multiple limitations. "The sequence number" and "the at least two event messages" do have antecedent basis. Applicants amended "events" to recite "event messages."

The examiner maintains that claim 3 is also indefinite because it is unclear whether the "at least two event messages" recited in claim 3 is the same as the "at least two event messages" recited in parent claim 1.

Applicants respectfully disagree, in the second instance the claim makes clear that:
receiving at least two event messages each comprising a
sequence number and a time stamp from the second event
source

For that reason, the Applicants subsequently refer to the event messages as “the at least two event messages from the second event source” to distinguish them from the event messages received from the first event source.

Claims 1, 3, 4, 6-16, 18-22, 24-26, 28-32, 34 and 35 again stand rejected under 35 U.S.C. 102(b) as being anticipated by Bracho et al. U.S. Patent No. 5,974,417.

Regarding independent claims 1 and 24, the examiner indicated that Bracho teaches all of the elements as follows:

subscribing to a first event source to create an event subscription (column 4, lines 50-52, abstract);

receiving at least two event messages(column 2, lines 17-20, abstract) each *comprising a sequence number and a time stamp from the first even when events occur at the first event source*(Figure 9, abstract); and

determining the order of events within the first event source on the basis of the sequence number within the at least two event messages (Figure 9, column 14, lines 6-18, abstract); and

revoking the event subscription (column 7, line 15).

Action, p. 3 (emphasis added).

Notably, even though the applicants amended the claim, the examiner has maintained the identical rejection and seems to not have considered the amended claim language.

Applicants had previously argued that Bracho does not teach determining the order of events on the basis of sequence numbers as claimed. Applicants further argued that the cited portions of Bracho teaches that duplicate events are discarded on the basis of sequence numbers, but not that the sequence numbers are used for ordering events. Moreover, column 10, lines 1-19 teaches that:

all events having the same priority level will be delivered by the hub 106 in the order that they are accepted by the

publisher.... Inter-publisher ordering is not guaranteed, since it depends on routing and availability issues.

The cited portion of Bracho therefore seems to teach away from the notion of ordering events on the basis of a sequence number.

In the most recent Action, the Examiner responds to Applicants analysis by maintaining that it is “well to one skilled in the art, a sequence number is used to determine order. Bracho's discarding of duplicate events based on the sequence number clearly teaches that the sequence number is used to determine the order of the events. Therefore, Bracho meets the scope of the claimed limitation.” Applicants point out that such an argument is more properly made in the context of 35 U.S.C. § 103(a) and not § 102(b).

With respect to the claim language the examiner does not appear to have considered, Applicants again point out that the claims require that the sequence numbers are on a per subscription basis. That is each subscriber is provided with a sequence number indicating the order of events per subscription. Applicants refer the examiner to the specification for support for the subscription based claim language. For example, on page 28 of the application, the following passage describes the subscription based approach:

This is a one-way method that will be invoked by the event source when it wants to send an event to its subscriber sink. As the events are delivered using a one-way callback method that can arrive at the sink out of order, event source passes a sequence number that can be used by the sink for FIFO ordering of events from the source. The sequence number starts at zero and monotonically increases to the max value before wrapping around. It is maintained by the event source on a per subscription basis. The subscriptionContext parameter supplied by the subscriber as part of the initial subscription is passed by the source in the callback so as to allow the sink to establish its context for the events being delivered.

Applicants submit that claims 1 and 23 patentably define over Bracho for at least the cited reasons. Inasmuch as claims 3-4, 6-16, 18-22, 25-26 and 28-31 depend from claims 1 and 24, Applicants submit that they also define over Bracho for at least the cited reasons.

Regarding independent claim 32, the examiner indicated that Bracho teaches all of the elements as follows:

subscribing to an event on a first digital device (column 4, lines 50-52, abstract);

receiving an indication in a type description language comprising a time stamp and sequence number that the event has occurred on the first digital device (Figure 9, column 14, lines 6-18, column 10, lines 1-19); and

requesting a service to be performed by the first digital device after receiving the indication that the event has occurred (column 5, lines 10-11).

Action, p. 5 (emphasis added).

In the previous Action, the Examiner, for the first time, cited portions of Bracho that purportedly teach all of the cited limitations of claim 32. In response to that rejection, the Applicants representative carefully reviewed the cited portion of Bracho and in particular reviewed the Examiner's citation (Bracho column 5, lines 10-11) for the italicized portion of claim 32 (see above). The cited portion describes how a "publisher uses an 'advertisement' to tell the system what types of events it intends to publish and how it intends to publish them" As applicants previously pointed out, Applicants fail to understand how this citation meets the limitation of the claim which clearly describes a subscriber making a requests for a service to be performed. Applicants submit that the present rejection fails to anticipate claim 32 and requests reconsideration of the rejection or an explanation of how the cited portion meets the claim limitation.

Applicants submit that claim 32 patentably defines over Bracho for at least the cited reasons. Inasmuch as claim 35 depends from claim 32, Applicants submit that it also defines over Bracho for at least the cited reasons.

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PATENT

Claims 5, 17, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bracho.

Applicants submit that claims 1 and 23 patentably define over Bracho for at least the reasons cited above. Inasmuch as claims 5, 17, 27 and 33 depend from claims 1, 24 and 32, Applicants submit that they also define over Bracho for at least the cited reasons.

CONCLUSION

Applicants' representative submits that claims 1, 3-22 and 24-35 are in condition for allowance.

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